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December 5, 2024

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By ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

**Re: United States v. Roman Storm
23 Cr. 430 (KPF)**

Dear Judge Failla:

We write on behalf of our client Roman Storm to respectfully request that the Court set a schedule for a motion for reconsideration of the Court's denial of Mr. Storm's motion to dismiss. (See Dkt. 83 (Order).) The defense has conferred with the government and agreed upon this proposed schedule:

- December 18, 2024 – Defense Motion for Reconsideration
- January 17, 2025 – Government Opposition
- January 31, 2025 – Defense Reply

The motion for reconsideration will be based on the Fifth Circuit's November 26, 2024 decision in *Van Loon v. Dep't of Treasury*, No. 23-50669, 2024 WL 4891474. In short, the Fifth Circuit found that OFAC's sanctions of Tornado Cash were unlawful. *Van Loon* is directly relevant to issues the Court considered in denying Mr. Storm's motion to dismiss. The defense is still analyzing *Van Loon* and developing its arguments. Because *Van Loon* was issued right before the Thanksgiving holiday weekend and defense counsel has other prior commitments, including traveling to attend Mr. Storm's arraignment on December 9, 2024, the defense proposes the above schedule to which the government has agreed.

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For all of the above reasons, the defense respectfully requests that the Court order the proposed schedule.

Respectfully submitted,

Brian E. Klein
Keri Curtis Axel
Becky S. James
Kevin M. Casey
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-and-

David E. Patton
Hecker Fink LLP

Attorneys for Roman Storm

Application GRANTED.

Mr. Storm shall file his Motion for Reconsideration on or before
December 18, 2024.

The Government shall file its Opposition on or before **January 17, 2025.**

In turn, Mr. Storm shall file his Reply on or before **January 31, 2025.**

Dated: December 5, 2024
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE